HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.255 OF 2007

Between:

Pamula Sangaiah

. . .Appellant

AND

The Government of India and another

. . .Respondents

:: JUDGMENT ::

Counsel for the appellant : Shri K.Rathanga Pani Reddy

Counsel for the respondents : Shri A.Rajashekar Reddy,
Assistant Solicitor General

26th March, 2007

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 18.01.2007 passed by the learned Single Judge in W.P.M.P.No.34229 of 2006 whereby he declined to extend interim order dated 22.12.2006.

It is borne out from the record that the payment of pension to the appellant under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the scheme') was suspended by the Government of India vide communication dated 13-11-2006 because he is said to have issued false certificate in favour of Muvva Koteswara Rao S/o.Kistaiah so as to enable the latter to claim pension under the scheme.

It is also borne out from the record that while issuing notice of the writ petition, the learned Single Judge suspended the decision contained in letter dated 13-11-2006.

After hearing the parties, the learned Single Judge declined to continue the interim order on the premise that the appellant is accused of having issued false certificate to Muvva Koteswara Rao.

We have heard Shri K.Rathanga Pani Reddy, learned counsel for the appellant and Shri A.Rajashekar Reddy, learned Assistant Solicitor General and are of the opinion that the order under challenge does not suffer from any error of law apparent on the face of the record warranting interference under Clause 15 of the Letters Patent.

At this stage, we do not want to express any opinion on the merits of the decision of the Government of India, but are convinced that the reason assigned by the Government of India for suspending the payment of pension to the appellant does not suffer from patent legal infirmity.

With the above observation, the appeal is dismissed.

However, keeping in view the age of the appellant, we direct the respondents to complete the enquiry within two months and place the result of the enquiry before the learned Single Judge for consideration and appropriate order.

As a sequel to dismissal of the appeal, WAMP.No.479 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Date: 26.03.2007

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